

**1:08cv70**

**Defendant.**

**IT IS, THEREFORE, ORDERED** that the Commissioner's Motion for Order to Show Cause (#18) and plaintiff's Motion that Pleading be Received Out of Time (#19) are **DENIED**, and the late filing is **ACCEPTED** upon the conditions outlined by the district court through implementation of a progressive disciplinary system.

The Commissioner shall have 60 days from entry of this Order to file his Motion for Summary Judgment and supporting brief.

Signed: January 9, 2009

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

